

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

SUSI B. WONG,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
JUSTIN DUNN and)	
MID WEST TRANSPORT, a California)	
Corporation,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, SUSI B. WONG, by and through her attorneys, MORICI, FIGLIOLI and ASSOCIATES, and complaining of Defendants, JUSTIN DUNN and MID WEST TRANSPORT, a California Corporation, states as follows:

PARTIES

1. SUSI B. WONG is a resident of Winnebago County, Illinois
2. JUSTIN DUNN is a resident of Las Vegas, Nevada.
3. MID WEST TRANSPORT is a California Corporation, with its principal place of business in Apple Valley, California.

JURISDICTION AND VENUE

4. Subject matter jurisdiction is proper before this court pursuant to 28 U.S.C. § 1332(a) because there exists diversity of citizenship and the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00).

5. Venue is proper before this Court pursuant to Indiana Rules of Civil Procedure 4.4(A)(2) as the Defendants committed a tortious act within the state of Indiana and in the geographical jurisdiction of this Court.

GENERAL ALLEGATIONS

6. On or about June 17, 2018, Plaintiff, SUSI B. WONG, was traveling Eastbound on I-94 at or near mile post 17.4 in Portage Township, Porter County, Indiana.

7. On or about June 17, 2018, Defendant, JUSTIN DUNN, was operating a Freightliner tractor trailer truck Eastbound on I-94 attempting to merge from the right shoulder into the right lane of traffic, at or near mile post 17.4 in Portage Township, Porter County, Indiana.

8. At the aforesaid time and place Defendant, JUSTIN DUNN, drove the Freightliner truck into the side of Plaintiff SUSI B. WONG'S vehicle causing the entire front passenger side of her vehicle to go under the rear of the trailer, resulting in serious injuries.

9. On and before June 17, 2018, JUSTIN DUNN, was an employee and/or agent of Defendant MID WEST TRANSPORT.

10. On and before June 17, 2018, the aforesaid tractor trailer truck was owned, managed, maintained, controlled, and/or operated by Defendants, MID WEST TRANSPORT and JUSTIN DUNN.

11. On and before June 17, 2018, Defendant, MID WEST TRANSPORT, was engaged in the business of interstate transportation.

Count I

Negligence vs. Justin Dunn

1-11 Plaintiff incorporates and alleges by reference paragraphs 1 through 11, as if fully set forth herein.

12. That on or about June 17, 2018, Defendant, JUSTIN DUNN, was employed by MID WEST TRANSPORT to deliver goods from various locations and was dispatched by MID WEST TRANSPORT.

13. That at the time and place aforesaid, Defendant, JUSTIN DUNN, operated the MID WEST TRANSPORT tractor trailer truck owned and/or leased by his employer MID WEST TRANSPORT.

14. That at all times aforesaid, it was the duty of the Defendant, JUSTIN DUNN, to exercise ordinary care for the safety of the Plaintiff and to be free from negligence.

15. As a result of the negligence of the Defendant, JUSTIN DUNN, the tractor trailer truck struck the Plaintiff's vehicle, causing it to go under the rear of the trailer, causing serious injuries to Plaintiff, SUSI B. WONG.

16. That the Defendant, JUSTIN DUNN, was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to pay attention to traffic upon the roadway;
- (b) Entered the roadway from the shoulder when it was not safe to do so;
- (c) Failed to keep a proper lookout;
- (d) Drove his vehicle into the vehicle of the Plaintiff; and
- (e) Was otherwise careless and negligent.

17. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, JUSTIN DUNN, Plaintiff, SUSI B. WONG, sustained injuries on June 17, 2018.

WHEREFORE, Plaintiff, SUSI B. WONG, prays for judgment against the Defendant, JUSTIN DUNN, in an amount in excess of the jurisdictional limits established by this Court, plus costs of this suit.

Count II

Negligence vs. MID WEST TRANSPORT

1-11. Plaintiff incorporates and alleges by reference paragraphs 1 through 11, as if fully set forth herein.

12. That at all times aforesaid, it was the duty of the Defendant, MID WEST TRANSPORT, and its employees and agents, to exercise ordinary care for the safety of the Plaintiff and to be free from negligence.

13. That Defendant MID WEST TRANSPORT was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Negligently hired Defendant JUSTIN DUNN as a truck driver when Defendant JUSTIN DUNN was not qualified to properly perform the job duties;
- (b) Failed to train Defendant JUSTIN DUNN such that Defendant JUSTIN DUNN'S negligence caused injury to the Plaintiff;
- (c) Was otherwise careless and negligent.

14. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, MID WEST TRANSPORT, Plaintiff, SUSI B. WONG, sustained serious injuries on June 17, 2018.

WHEREFORE, Plaintiff, SUSI B. WONG, prays for judgment against the Defendant, MID WEST TRANSPORT, in an amount in excess of the jurisdictional limits established by this Court, plus costs of this suit.

CLAIM FOR RELIEF

WHEREFORE, Plaintiff, SUSI B. WONG, prays for judgment against all Defendants, jointly and severally, for a sum in excess of seventy-five thousand dollars (\$75,000.00), plus interest and costs, and for other such relief as the Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

Respectfully submitted this 18th day of December 2019.

By: _____



Attorney for Plaintiff

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